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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,165	03/24/2004	Benjamin Chladny	13526-6	6478
1059	7590 12/15/2006		EXAM	INER
BERESKIN	I AND PARR	DAVIS, CASSANDRA HOPE		
40 KING ST BOX 401	REET WEST		ART UNIT	PAPER NUMBER
TORONTO, ON M5H 3Y2			3611	······································
CANADA			DATE MAILED: 12/15/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

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•	Application No.	Applicant(s)			
	10/807,165	CHLADNY, BENJAMIN			
Office Action Summary	Examiner	Art Unit			
	Cassandra Davis	3611			
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet v	vith the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period in Failure to reply within the set or extended period for reply will, by statute any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUN 136(a). In no event, however, may a will apply and will expire SIX (6) MC e, cause the application to become a	ICATION. a reply be timely filed ONTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on <u>25 S</u>	September 2006.				
2a) ☐ This action is FINAL . 2b) ☑ This	☐ This action is FINAL . 2b) ☑ This action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under be	Ex parte Quayle, 1935 C.	D. 11, 453 O.G. 213.			
Disposition of Claims					
4) ☐ Claim(s) <u>1,2,4,5,11-15,41-52 and 55-64</u> is/are 4a) Of the above claim(s) <u>6-10</u> is/are withdrawn 5) ☐ Claim(s) <u>55-64</u> is/are allowed. 6) ☐ Claim(s) <u>1, 4, 11-15, 41, 44, 45, 48, 49-52</u> is/a 7) ☐ Claim(s) <u>2,5,42,43,46 and 47</u> is/are objected to 8) ☐ Claim(s) are subject to restriction and/o	n from consideration. are rejected. o.	n.			
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	cepted or b) objected to drawing(s) be held in abeya tion is required if the drawin	ance. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No	Summary (PTO-413) o(s)/Mail Date Informal Patent Application			

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DETAILED ACTION

Election/Restrictions

1. Claims 6-10 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 25, 2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1, 4, 11-15, 41, 44, 45, 48, 49-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Farrow, U. S. Patent 5,267,767.
- 4. Farrow teaches Claim fairing for a bicycle comprising: a) attachment means (struts 36 and split block 38) for releasably mounting the fairing to the vehicle 10. The fairing has a front pane 44l that is generally disposed

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adjacent to a front side of the vehicle when the device is mounted on the vehicle and a pair of side panels (walls 28 and 30) adjacent to the front panels, each of the side panels generally disposed adjacent to a side of the vehicle when the device is mounted on the vehicle.

Allowable Subject Matter

- 5. Claims 2, 5, 42, 43, 46, 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6. Claims 55-64 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cassandra Davis
Primary Examiner
Art Unit 3611

CD December 11, 2006